

Case 3:06-cv-05254-RBL Document 9 Filed 06/08/2006 Page 1 of 5

1 HONORABLE ROBERT B. LEIGHTON  
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JUN 12 2006

7 CLERK U.S. DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON AT TACOMA  
9 BY DEPUTY  
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11 UNITED STATES DISTRICT COURT  
12 WESTERN DISTRICT OF WASHINGTON, TACOMA  
13

14 JAMES PORTMANN and DEBBIE  
15 PORTMANN, husband and wife,  
16

17 Plaintiffs,

18 vs.

19 GUIDANT CORPORATION, an Indiana For-  
20 Profit Domestic Corporation; GUIDANT  
21 SALES CORPORATION, an Indiana For-  
22 Profit Domestic Corporation; FRANCISCAN  
23 HEALTH SYSTEM, a Washington Public  
24 Benefit Corporation, dba ST. JOSEPH  
25 MEDICAL CENTER; CARDIAC  
26 PACEMAKERS, INC., a Minnesota Foreign  
27 Business corporation; DOES 1 through 20,  
inclusive,

18 Defendants.

2 NO. C06-5254RBL.

21 STIPULATION AND ORDER  
22 ALLOWING AMENDMENT OF  
23 SUMMONS AND COMPLAINT  
24

25 STIPULATION

26 The undersigned attorneys of record for plaintiffs JAMES PORTMANN and DEBBIE  
27 PORTMANN, and defendants GUIDANT CORPORATION, GUIDANT SALES CORPORATION  
and FRANCISCAN HEALTH SYSTEM, stipulate to the entry of an order allowing plaintiffs to  
amend the Summons and Complaint in this matter by naming as an additional party defendant  
CARDIAC PACEMAKERS, INC., a Minnesota Foreign business corporation. No other changes  
or amendments to the original Summons or Complaint are sought by this stipulation and order. This  
Stipulation and Order is presented pursuant to FRCP 15(a).

28 BY ATTORNEY FOR PLAINTIFFS  
DAVID A. BUBALINE

30 ATTORNEY FOR PLAINTIFFS  
31 DAVID A. BUBALINE  
32 2915 N. McClellan  
33 Suite 100  
34 Tacoma, WA 98403-3326  
35 Telephone (253) 272-2100  
36 Fax (253) 272-0906  
37 [www.bubaline.com](http://www.bubaline.com)

32 STIPULATION AND ORDER ALLOWING AMENDMENT OF  
33 SUMMONS AND COMPLAINT

1 DATED this 5 <sup>June</sup> day of May, 2006.

2  
3 LAW OFFICES OF DAVID A. BUFALINI, P.S.

4  
5   
6 David A. Bufalini 8262  
Attorney for Plaintiffs

7 FAIN SHELDON ANDERSON & VANDERHOEF

8 see attached  
9 Philip J. VanDerhoef 14564  
10 Attorney for Defendant Franciscan Health System

11 WILLIAMS KASTNER & GIBBS

12   
13 Kimberly D. Baker 14257  
14 Attorney for Defendants Guidant Corporation and Guidant  
15 Sales Corporation

16 ORDER

17 THIS MATTER having come before the court on the stipulation of the plaintiffs and  
18 defendants to allow plaintiffs to amend their Summons and Complaint to add the above-referenced  
19 additional defendant, and the court having been advised in the premises, it is now, therefore,

20 ORDERED that the plaintiffs shall be allowed to amend their Summons and Complaint to  
21 add the additional defendant referenced above.

22 DONE IN OPEN COURT this 5 <sup>June</sup> day of May, 2006.

23  
24  
25 The Honorable Robert B. Leighton

26  
27  
28 STIPULATION AND ORDER ALLOWING AMENDMENT OF  
SUMMONS AND COMPLAINT

- 2 -

LAW OFFICES OF  
DAVID A. BUFALINI  
A PROFESSIONAL CORPORATION  
2515 N. 35th Street  
Suite 100  
Seattle, WA 98103-3530  
Telephone (206) 273-2100  
Fax (206) 478-9988  
[www.bufalini.com](http://www.bufalini.com)

Case 3:06-cv-05254-RBL Document 9 Filed 06/08/2006 Page 3 of 5

1 DATED this 8 day of June, 2006.

LAW OFFICES OF DAVID A. BUFALINI, P.S.

see attached  
David A. Bufalini 8262  
Attorney for Plaintiffs

FAIN SHELDON ANDERSON & VANDERHOEFF

Philip J. VanDerhoef 14564  
Philip J. VanDerhoef  
Attorney for Defendant Franciscan Health System

WILLIAMS KASTNER & GIBBS

See attached  
Kimberly D. Baker 14257  
Attorney for Defendants Guidant Corporation and Guidant  
Sales Corporation

## ORDER

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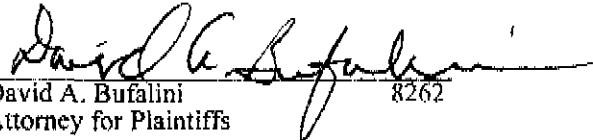
DONE IN OPEN COURT this 9th day of June, 2006.

**STIPULATION AND ORDER ALLOWING AMENDMENT OF  
SUMMONS AND COMPLAINT - 2 -**

- 2 -

1 *Presented by:*

2 LAW OFFICES OF DAVID A. BUFALINI, P.S.

3   
4 David A. Bufalini 8262  
5 Attorney for Plaintiffs

6 *Approved as to form and content,  
notice of presentation waived:*

7  
8 see attached  
9 Philip J. VanDerhoef 14564  
Attorney for Defendant Franciscan Health System

10 Kimberly D. Baker  
11 Kimberly D. Baker 14257  
12 Attorney for Defendants Guidant Corporation and Guidant Sales Corporation

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STIPULATION AND ORDER ALLOWING AMENDMENT OF  
SUMMONS AND COMPLAINT

- 3 -

LAW OFFICES OF  
**DAVID A. BUFALINI**  
A PROFESSIONAL SERVICE CORPORATION  
2916 N. McCarty  
Suite 100  
Tacoma, WA 98406-3336  
Telephone (253) 272-2100  
Fax (253) 272-9988  
[www.bufalinelaw.com](http://www.bufalinelaw.com)

Case 3:06-cv-05254-RBL Document 9 Filed 06/08/2006 Page 5 of 5

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4 *See attached*  
David A. Bufalini 8262  
5 Attorney for Plaintiffs

6 *Approved as to form and content,*  
7 *notice of presentation waived:*

8 *Philip VanDerhoef* 14564  
9 Attorney for Defendant Franciscan Health System

10 *see attached*  
11 Kimberly D. Baker 14257  
12 Attorney for Defendants Guidant Corporation and Guidant Sales Corporation

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STIPULATION AND ORDER ALLOWING AMENDMENT OF  
SUMMONS AND COMPLAINT

- 3 -

DAVID A. BUFALINI

2015 N. McGraw  
Suite 100  
Tacoma, WA 98403-4496  
Telephone (253) 277-2100  
Fax (253) 272-0982  
www.tacbufalini.com